

# **HARASSMENT FREE WORK ENVIRONMENT**

Directive: **6.78**

It is the policy of the City of Wilmington and the Police Department to promote a productive work environment in which all individuals are treated with respect and dignity. Any conduct by any employee that harasses, disrupts, or interferes with another's work performance will not be tolerated.

The City of Wilmington and the Police Department prohibit retaliation against any individual who reports harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or for participating in an investigation of a claim of harassment is also a violation of this policy and will result in disciplinary action.

This Directive applies to all applicants and employees and prohibits harassment and retaliation whether engaged in by fellow employees, supervisors, managers, or by someone not directly connected to the City of Wilmington.

Conduct prohibited by this Directive is unacceptable in the workplace or in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

## **DEFINITIONS**

### **1. Sexual harassment**

For the purposes of this Directive, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to, unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary

about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature. This includes harassment involving an individual's sexual orientation or gender identity.

Sexual orientation is defined as male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation. Gender identity is defined as a person's actual or perceived sex, and includes a person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth.

## 2. Other harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability, or another characteristic protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display.

Work Place Violence is a form of harassment. Unacceptable behavior under this policy is that which causes an individual to reasonably fear for his personal safety or that of others. It includes, but is not limited to, oral or written statements, gestures, expressions, and actions that communicate a direct or indirect threat to an individual's physical or psychological well-being.

## REPORTING SUSPECTED VIOLATIONS

All reported complaints of Harassment will be brought to the attention of the Commanding Officer of the Office of Professional Standards immediately. An employee may also

make a complaint of Harassment to City of Wilmington's Personnel Director, Deputy Personnel Director, or any member of the City's Department of Personnel. City Personnel employees will insure that the employee's complaint is brought to the attention of the Commanding Officer of the Office of Professional Standards. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives identified above if the offender is within the complainant's chain of command.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome or requesting that it be discontinued. Early reporting and intervention have proven to be the most effective method of resolving actual and perceived incidents of harassment. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns so that rapid and constructive action can be taken is encouraged.

Any reported allegations of harassment will be investigated promptly. If it is determined during the course of the investigation that the complaint or information was false and/or malicious, the individual who provided the information may be subject to disciplinary action.

Violations of this policy will be addressed per Directive 7.1.K.